

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AMBER MARTINS,

Plaintiff,

-vs-

CASE NO.: 1:17-CV-04188-TWT

C.R. ENGLAND, INC.

Defendant.

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MOTION FOR CLERK'S DEFAULT

COMES NOW the Plaintiff, Amber Martins, by and through her undersigned counsel, hereby moves pursuant to Fed. R. Civ. P. 55(a), for entry of default as to Defendant, C.R. ENGLAND, INC. Under Fed. R. Civ. P. 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

The Plaintiff filed her Complaint [Doc. 1] in this case October 20, 2017, in Federal Court. On October 25, 2017 at 12:30 p.m., the Defendant was served through its Registered Agent as described in the Return of Service [Doc. 4] filed with the Court on October 31, 2017.

The longer of twenty-one (21) days since service or five (5) days after removal have passed, and, despite the requirements set forth in Fed. R. Civ. P. 12(a), Defendant has not filed any response to the Plaintiff's Complaint, nor has it otherwise appeared in this case. In light of the failure by Defendant "to plead or otherwise defend," Fed. R. Civ. P. 55(a) requires that "the clerk must enter the party's default."

WHEREFORE, Plaintiff respectfully requests that the clerk enter default against the Defendant, C.R. England, Inc.

Dated: November 21, 2017

/s/Octavio Gomez

Octavio "Tav" Gomez, Esquire

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/s/Octavio Gomez

Octavio "Tav" Gomez, Esquire